

REMARKS

Claims 19-38 are currently pending in the present application.

Applicants have submitted herewith an Information Disclosure Statement. One of the documents provided in the Information Disclosure Statement is a complete English translation of Japanese Patent Publication No. JP 01-062302 A (hereinafter referred to as "JP '302"), upon which the Examiner has based an anticipation rejection as set forth below. References to this translation shall be noted herein as "English Trans. of JP '302".

In Paper No. 7, the Examiner indicates that claims 31 and 36 are allowable. Additionally, in Paper No. 7, the Examiner indicates that claims 24, 29 and 30, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form.

In Paper No. 7, the Examiner rejects claims 19-23, 25-28, 32-35 and 37-38 under 35 U.S.C. §102(b), as being anticipated by JP '302. Specifically, the Examiner contends that JP '302 discloses a chitosan salt that is water-soluble at a pH of about 6-8, and which is produced by neutralizing an acid solution of the chitosan with carbonate. The Examiner also contends that JP '302 discloses the subsequent freeze-drying of the neutralized aqueous solution to obtain a powder. On the basis, the Examiner argues that the claimed invention is anticipated.

Applicants strenuously, but respectfully, traverse the Examiner's rejection and the arguments and contentions in support thereof for the following reasons.

To begin with, in order for a rejection under 35 U.S.C. §102 to be proper, each and every element of the claimed invention must be taught, either expressly or inherently, in a single prior art reference. (*See, e.g.*, M.P.E.P. §2131). Applicants submit that JP '302 fails to teach each and every element of the claimed invention.

Applicants' claimed invention is directed to processes for preparing a crosslinker-free composition, comprising: (a) providing an aqueous mixture of a chitosan, wherein the aqueous mixture has a viscosity of from 1,000 mPas to 100,000 mPas; (b) combining a precipitant with the aqueous mixture to form a crosslinker-free chitosan composition; and (c)

drying the crosslinker-free chitosan composition to form a crosslinker-free three-dimensional structure.

JP '302 is directed to the production of a water-soluble chitosan salt. As set forth in the Abstract of JP '302, "[t]he neutralised aq. soln. is dried by freezing . . . ." (*See*, Abstract of JP '302). JP '302 teaches the slow neutralization of the acidic solution to prepare a neutralized solution of the water-soluble chitosan salt. (*See*, English Trans. of JP '302, p. 3, 2<sup>nd</sup> to last ¶). JP '302 is not directed to the production of entangled, three-dimensional, physically "cross-linked" chitosan products.

Applicants' claimed invention is directed to the production of cross-linker free, three-dimensional structures. As described in the Specification, the precipitant is added rather quickly so as to cause the entanglement and physical "crosslinking" of the chitosan. (*See*, Applicants' Spec., pp. 9-10).

Applicants respectfully submit that JP '302 fails to teach a process for preparing a cross-linker free, three-dimensional structure, as claimed. Accordingly, JP '302 fails to anticipate the claimed invention. Thus, reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. §102 based on JP '302 are respectfully requested.

In view of the remarks set forth above, Applicants submit that all pending claims patentably distinguish over the prior art of record and known to Applicants, either alone or in combination. Accordingly, reconsideration, withdrawal of the rejection and a Notice of Allowance are respectfully requested.

Appl. No.: 10/030,974  
Group Art Unit: 1623  
Applicants' Response to Paper No. 7

Respectfully submitted,

**ANDREA HEILEMANN, et al.**

November 20, 2003  
(Date)

By: 

AARON R. ETTELMAN

Registration No. 42,516

**COGNIS CORPORATION**

300 Brookside Avenue

Ambler, PA 19002

Telephone: (215) 628-1413

Facsimile: (215) 628-1345

E-Mail: AARON.ETTELMAN@COGNIS-US.COM

ARE:are